

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Jean Marc Inglese et al

EQUIPMENT AND METHOD FOR
MEASURING DENTAL SHADE

Serial No.: US 10/598,017

Filed: August 16, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Group Art Unit: Not yet known

Examiner: Not yet known

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 8 day of January 2010

Name: Laurie A. Liberty

RESPONSE TO
NOTIFICATION OF MISSING REQUIREMENTS

PETITION UNDER 37 CFR 1.47
Unavailability of Inventor

Pursuant to the NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 USC 371 for the above-identified application, dated October 8, 2009, Applicants hereby file this Petition Under 37 CFR 1.47 as one joint inventor cannot be located. The pertinent facts are provided below.

Applicants respectfully request that this petition be granted, and that the declaration signed by two of the three inventors be accepted.

Carestream Health, Inc. was formed on May 1, 2007 when Eastman Kodak Company (Kodak) sold its health group business to Onex Corporation, a Canadian company. Carestream Health is located at 150 Verona Street, Rochester, New York, 14608.

Trophy is a wholly owned subsidiary of Carestream Health. Trophy is located in France.

I am Susan L. Parulski, Chief Patent Counsel for Carestream Health. Prior to joining Carestream Health on May 1, 2007, I was a patent attorney at Kodak since 1995.

The above-identified application was filed on August 16, 2006 without a signed declaration or assignment in the names of three inventors: Jean Marc Inglese, Anne C. Croguenec and Julien D. Barneoud.

Two of the inventors have signed a declaration, specifically: Jean Marc Inglese and Julien D. Barneoud. The declaration signed by the two inventors is being filed on even date.

One of the inventors has not signed a declaration. Specifically, Anne C. Croguenec has not signed a declaration.

Anne C. Croguenec was employed by Trophy, but is no longer an employee at Trophy. As best understood, Anne C. Croguenec resigned from her position with Trophy at the end of the year 2005.

As set forth in the attached DECLARATION by Laurie A. Wurtz, attempts have been made to obtain the signature of Anne C. Croguenec on the declaration and assignment for the above-identified application, but have been unsuccessful.

As identified in the attached DECLARATION by Laurie A. Wurtz, the last known address of Anne C. Croguenec is:

Anne C. Croguenec
Residence Plein Sud
15, Impasse de la Chana
38140 RIVES

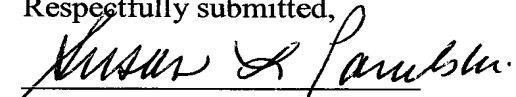
Attempts have been made to obtain the signature of Anne C. Croguenec on the declaration and assignment for the above-identified application, but have been unsuccessful. Accordingly, please grant our petition to accept the declaration signed by two of the three inventors.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both,

under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

The Commissioner is hereby authorized to charge any fees in connection with this communication to Carestream Health, Inc. Deposit Account No. 50-4233.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Susan L. Parulski", written over a horizontal line.

Attorney for Applicant(s)

Registration No. 39,324

Susan L. Parulski
Chief Patent Counsel
Carestream Health, Inc.
Telephone: (585) 627-6716
Facsimile: (585) 627-8919

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Name: Laurie A. Wurtz

Sir:

DECLARATION FOR PETITION UNDER 37 CFR 1.47

Unavailability of Inventor

I am Laurie A. Wurtz, Patent Legal Assistant for Carestream Health, Inc.

Internal documents indicate that a declaration and assignment was sent to Yvette Borel, a Patent Legal Assistant (located in Chalon, France and employed by Kodak Chalon) on August 18, 2006 by Tara Piccone, a Patent Legal Assistant, Patent Legal Staff, Kodak, Rochester, New York. Yvette Borel mailed the declaration and assignment to Anne C. Croguenec on December 12, 2006 to the following address: Residence Plein Sud, 15, Impasse de la Chana, 38140 Rives, France.

These internal documents further indicate that, when the declaration and assignment was not returned by Yvette Borel's Chalon office, Tara Piccone sent an e-mail dated November 6, 2006 to Yvette Borel inquiring about the signatures of the inventors. Yvette Borel responded to Tara Piccone via e-mail dated January 31, 2007 explaining she has been attempting to contact Anne C. Croguenec via telephone for 5 months and resulted in a follow-up letter to Anne C. Croguenec.

Yvette Borel sent a copy of the Signature Required receipt to Tara Piccone. The Signature Required receipt was accepted and signed for at the address of Anne C. Croguenec. Anne C. Croguenec did not respond to the letter, therefore no signatures were collected from Anne C. Croguenec. Yvette Borel returned the declaration and assignment to Tara Piccone on January 31, 2007 without the signatures of Anne C. Croguenec.

After receiving the "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE", dated October 8, 2009, I personally sent an e-mail on October 14, 2009 to Jean Marc Inglese (Chief Technical Officer of Dental Systems Group, Trophy) and Dorothee Kanner (Executive Assistant, Trophy) requesting confirmation of the departure of Anne C. Croguenec from Trophy.

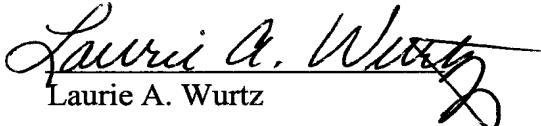
Jean Marc Inglese and Dorothee Kanner replied to my e-mail dated October 14, 2009, indicating that Anne C. Croguenec is no longer an employee at Trophy.

The last known address of Anne C. Croguenec is:

Anne C. Croguenec
Residence Plein Sud
15, Impasse de la Chana
38140 RIVES

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,


Laurie A. Wurtz

Carestream Health, Inc.
Telephone: (585) 627-6740
Facsimile: (585) 627-8919